

**Senate Bill No. 792**

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Passed the Senate      August 26, 2004

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*Secretary of the Senate*

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Passed the Assembly      August 19, 2004

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act relating to state property.

## LEGISLATIVE COUNSEL'S DIGEST

SB 792, Sher. State parks: Martini Creek Bypass.

Existing law gives the Department of Transportation full possession and control of state highways and associated property. Existing law gives the Department of Parks and Recreation control of the state park system.

This bill would require the Department of Transportation to sell and transfer certain property under its control in the County of San Mateo as surplus state property to the Department of Parks and Recreation for state park purposes.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The Martini Creek Devil's Slide bypass right-of-way for the realignment of Route 1, from the northern boundary of the town of Montara to past the alignment summit over Montara Mountain, bisects the McNee Ranch Acquisition area of Montara State Beach, is an environmentally sensitive Coastal Mountain Habitat area of undeveloped land within a scenic corridor viewed from the coast and Route 1, and is popular for a variety of recreational pursuits, including hiking and biking.

(2) An overwhelming majority of San Mateo County voters passed Measure T in 1996, proclaiming that the construction of a surface bypass in this area would seriously damage the watersheds, wildlife habitats, and parks of Montara and San Pedro Mountains, and directing the amendment of their local coastal program to provide for a tunnel alternative to such a bypass.

(3) With the Department of Transportation's determination that a freeway bypass over Montara Mountain is not currently viable, the property located in the existing Martini Creek Devil's Slide bypass right-of-way for the realignment of Route 1 from the northern boundary of the town of Montara (State Parcel Number 39874) to past the alignment summit over Montara Mountain



(State Parcel Number 39873 and a large portion of State Parcel Number 39872), hereinafter “the Martini Creek Bypass Alignment,” is surplus state property located within the coastal zone, as defined in Section 30103 of the Public Resources Code, as that zone was described on January 1, 1977, and subject to Section 9 of Article XIX of the California Constitution. It is, therefore, fitting and proper, and in furtherance of the public interest, that the Department of Transportation sell its ownership interest in the Martini Creek Bypass Alignment for the purpose of adding to the McNee Ranch Acquisition area of Montara State Beach.

(b) It is the intent of the Legislature that:

(1) The sale of the property in the Martini Creek Bypass Alignment by the Department of Transportation for conversion to state park purposes will not adversely impact any mitigation credits that may be additionally factored into the sale price and that the Department of Transportation may be entitled to by making this property transfer.

(2) The Department of Parks and Recreation shall include this area in the management of the McNee Ranch Acquisition area of Montara State Beach for park purposes that are consistent with the San Mateo County Local Coastal Program.

(c) The Department of Transportation shall declare that the Martini Creek Bypass Alignment right-of-way is surplus state property and provide for the sale and transfer of this property to the Department of Parks and Recreation for state park purposes as provided under Section 9 of Article XIX of the California Constitution.



Approved \_\_\_\_\_, 2004

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*Governor*

